

Notice of Allowability

Application No.

10/810,601

Examiner

Hrayr A. Sayadian

Applicant(s)

TAKABAYASHI ET AL.

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/21/2006.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/29/2004 *HS*
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowance

1. Claims 1 - 17 are pending in this application and they are all allowed.

These claims are subject to an election of species requirement. This requirement has now been withdrawn and the pending claims to non-elected species have therefore been rejoined.

Examiner's Amendment

2. On June 9, 2006, at about 3:00 pm Mr. William Brooks Applicants' representative, authorized in a telephone interview the following amendments to the claims:

Claim 9, line 10, the recitation "a forth optical detector for detecting ..." has been amended to --a third optical detector for detecting ...--.

Claim 9, lines 14-15, the recitation "the optical intensity detected by said fourth optical detector" has been amended to --the optical intensity detected by said third optical detector--.

Examiner's Statement of Reasons for Allowance

3. The following is the Examiner's Statement of Reasons for Allowance:

The independent claims are allowed because the prior art fails to disclose: a method of controlling a wavelength tunable laser, wherein the phase of the laser beam resonating between the two reflective members is controlled so that a ratio of the intensity detected by the second optical detector to the intensity detected by the first optical detector comes to a certain value.

Although various prior art references disclose several of the limitations in the independent claims, these references and their combination fail to disclose the above recited features.

For example, Calbourne et al (USP '252) discloses using an etalon and a monotonic filter outside the resonating cavity, in addition to using an intra-cavity etalon, Calbourne fails to disclose controlling the phase to achieve the recited ratio. And although Takami (NEC Corp, JP-2002185074A) discloses using an extra-cavity etalon to control the wavelength, it appears to fail to disclose controlling a phase to achieve the recited ratio. And although Odachimi et al.

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(Anritsu CORP, JP-07335965A) discloses controlling the phase, it appears to fail to disclose controlling the phase to achieve the recited ratio.

4. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CLOSURE

5. Any inquiry concerning this or any earlier communication should be directed to examiner Hrayr A. Sayadian, who may normally be reached Monday through Friday, 7:30 am-4:00 pm, on (571) 272-7779.

If attempts to reach the examiner by telephone are unsuccessful, his supervisor, Minsun O. Harvey, may be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MIN SUN O HARVEY
PRIMARY EXAMINER